

Dairy Defendants See Price War in Forced Sale of Surplus Milk

A "ruinous price war" in milk would result here in the event farmers were forced to market their surplus production as fluid milk, Attorney William E. Leahy predicted in District Court today.

The attorney made his prediction as he argued for dismissal of price fixing charges against General Manager Bruce B. Derrick of the Maryland and Virginia Milk Producers Association. Mr. Derrick, the co-operative, and seven Washington dairies are named in an indictment charging violations of the Sherman Anti-Trust Act.

Mr. Leahy noted that the Government had charged the association with failing to place surplus milk on the Washington market. If this happened, the resulting price war might force the retail price as low as four cents a quart, he maintained.

Dangers Cited. This would raise "haves" with 1,500 producers and might threaten health standards for local milk, which Mr. Leahy described as the "purest milk in the Nation."

Under long-standing marketing agreements, surplus milk is diverted to such use as cheese, cream and ice cream mixers.

Earlier, Mr. Leahy argued that the producer association acts only in the self-interest of its members for their protection. Federal laws, he added, are essential to protect the milk industry, which he said was the largest of all industries in the Nation and does an annual business in excess of \$1,000,000,000.

Conspiracy Denied. Mr. Leahy maintained that the producer group "in no way" joined in a conspiracy.

The attorney criticized the Justice Department, declaring that "common fair play would have called for the Government to have instituted a suit against the defendants."

Justice Richmond B. Keach, before whom the arguments were made, also will hear a plea of Chestnut Farm-Chevy Chase Dairy that the Government postpone trial for another month.

Should the court grant the latter motion, then trial may have to go over until the fall term. The Justice Department, through Special Assistant Robert H. Winn, is expected to object strenuously to any delay in trial, now set for May 1.

Government objection to granting of either dismissal motion also is anticipated, as a ruling in favor of either throwing the case out of the lower court.

In such an event, the Government may appeal directly to the Supreme Court.

Other dairies named in the indictment were Alexandria, Lucerne, Richfield, Thompson and Harvey.

Saboteurs

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their prison sentences says it is "upon such conditions with respect to travel, employment, political and other activities that the commanding general of military forces from the United States from time to time on the European continent may direct."

The FBI's evidence was that Burger and Dasch were landed from a German submarine at Amagansett Beach, Long Island, New York, the night of June 13, 1942. Richard Quirin and Heinrich Harm Heineck were put ashore with them.

Four days later, a second party of four Nazis were landed from a submarine off Cape Cod, New York. These were Herbert Hans Haupt, Edward John Keeling, Werner Thiel and Herman Otto Neubauer. All eight were subsequently arrested by FBI agents in Chicago and New York City.

The White House announcement said: "After their arrest Burger and Dasch gave full and complete identities of all connected with the sabotage plot."

"After the trial, they supplied detailed information on many subjects considered of interest to the United States concerning Nazi Germany."

The two Nazis were landed at Bremenhaven, Germany, last Thursday aboard an Army transport, the White House said. The Justice Department turned them over to the Army March 29.

Burger served most of his sentence in the Federal prison at Atlanta, while Dasch served the major part of his term at Leavenworth.

Daylight Saving

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an hour early at the airport to catch their scheduled flights.

Even so, all the passengers could not be reached as some showed up late. All that could be done was to schedule them on later flights.

One commuter train which usually arrives at Union Station at 7:05 a. m. with a full complement of Washington workers, pulled in at 6:05 with only a handful. Rather than face an hour's waiting before work, the others had crowded into later trains.

Other District measures that Mr. Dirksen will have considered this afternoon would:

Provide greater protection against sex offenders; amend the practice of optometry; amend the new District franchise tax so as to exempt certain out-of-town business firms; continue for one year only the District program for day-care of the children of working mothers; establish the new Roman Catholic archdiocese as a corporation to conduct the business of the new archdiocese here, and increase the trustees of the Protestant Episcopal Cathedral Foundation from 15 to at least 30.

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Worker Rescued After Cave-in Imprisons Him for Hour in Ditch



Almost free after being buried nearly two hours when a wall of a ditch caved in in the 1400 block of Third street S.E. this morning, Urbano Fernandez directs rescue workers trying to extricate his leg.

A workman was rescued but was injured this morning when he was buried for more than an hour when the wall of a 15-foot ditch caved in on him.

The man, Urbano Fernandez, 44, of 805 Sixth street N.W., was reported in fair condition at Gallinger Hospital after fellow workers, firemen and rescue squad men extricated him from heavy clay in which he was imprisoned. He suffered a fractured pelvis, the hospital said.

The accident occurred in the 4400 block of Third street S.E. Mr. Fernandez, an employee of Able Contractors, Inc., 1423 North Quincy street, Arlington, was digging in the ditch when the wall collapsed, completely burying him.

Joe Gago, 44, fellow workman, of 906 Eighth street N.W., said, Mr. Gago, who was digging near-

ly, removed the dirt from Mr. Fernandez' head and shoulders, enabling him to breathe.

"He couldn't shout for help," Mr. Gago said. "It was lucky I was there."

Before other workmen could join in trying to dig the buried man out hydraulic jacks were installed to support a long section of the street pavement which had been undermined by the cave-in. Additional support was supplied by planks laid over the ditch and under the pavement.

Rescuers were forced to resort to picks and crowbars to dig away the heavy clay.

Mr. Fernandez helped direct the rescue operation. Mr. Gago said. After his arms were freed a safety belt was fastened around his chest and he clung to a rope suspended from the top of the ditch.

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Prowler Eludes Capture by Trip Up Dumb Waiter

An agile intruder who eluded a would-be captor by climbing the rope in a dumb-waiter shaft was being sought by police today.

Robert Webb, 27, of 3336 Sherman avenue N.W., said that when he reported for work yesterday at the Fat Boy Restaurant, 2201 New York avenue N.E., he found the glass in the front door broken. An automobile was standing nearby, its motor running.

Mr. Webb said he saw a man inside, his arms full of miscellaneous loot. When the intruder saw Mr. Webb, he dropped his load and fled. Mr. Webb said he stood guard armed with a bottle in an attempt to keep the man trapped until police arrived.

Mr. Webb said, however, the housebreaker climbed the dumb waiter rope to the second floor and then escaped down a rear stairway. Some change from a vending machine was taken.

U. S. Chamber

(Continued From First Page.)

ator Wherry declared that 80 percent of the Federal budget goes toward national security, aid to foreign countries, prevention of war and liquidation of the past war.

He itemized these figures as including \$5,500,000,000 for interest on the national debt; \$2,500,000,000 for GI benefits; \$2,333,000,000 for foreign aid for the next 15 months; and \$14,000,000,000 for national defense.

Sees Air Power as Chief Defense.

While he did not commit himself to any specific figure as to Air Force requirements, the Senator asserted he felt "the air power today has become our first line of defense."

Mr. Farley, who is now chairman of the Coca-Cola Export Corp., said that eight years in business—following 33 years in politics—had convinced him that "one can serve his country in commerce no less faithfully than in public office."

Charging "one nation," by which he clearly meant the Soviet Union, with holding "the key to the stability of the four corners of the world," Mr. Farley observed that "it is difficult to find anything comforting in the present state of the world."

Speaking as a former politician with "no intention of playing a return engagement," the former Democratic national chairman who split with President Roosevelt in 1936 called upon the members of the chamber to employ, in their relationship with the Government, "the same directness and dispatch they used in running their businesses."

Sees Businessmen in Error.

"With all the solemnity of my command," he added, "I say that, as a class, businessmen have erred in proceeding to whom is Congress responsible."

The luncheon was an opener for the American foreign policy which are expected to draw closer to 3,000 businessmen to the Capital.

The opening general sessions tomorrow will hear Secretary of State Marshall, who returned Saturday from the Bogota conference, speak on the American foreign policy.

In its resolution, which are to be acted on Wednesday night, the chamber is expected to go on record as backing the preparedness program. However, a fight is expected on a proposal to put the body in charge of the regular forces, and with provision for Air Force manpower expansion to 70 groups.

The House on April 15 passed the \$3,198,100,000 supplementary appropriation measure, principally for Air Force and Navy cash and contract authority. The bill would enable the military establishment to make immediate use of money and authorizations which otherwise would not become available until the fiscal year beginning July 1.

The House included \$822,000,000 as a start for Air Force expansion and a 70 group goal. That is the bill formally before the Senate Appropriations Committee today.

House Group Meets Tomorrow.

Neither the Senate Armed Services Committee nor the House Armed Services Committee met today. The House committee planned to go into closed session tomorrow preparatory to reporting out a selective service bill calling for a draft with a tentative manpower ceiling of 2,000,000 for the regular forces, and with provision for Air Force manpower expansion to 70 groups.

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Reilly Heads D. C. Delegates.

John A. Reilly, president, heads a list of 10 Washington Board of Trade delegates to the session. The others are James W. Collier, national councilor; Edgar Morris, a director of the chamber; Joseph C. McGarraghay, P. F. H. Siddons, L. P. Colladay, Robert V. Fleming, L. P. McLachlan, Thornton W. Owen and P. A. Smith.

This evening the members will attend 33 regional dinners at which congressional delegations will be guests of honor. The dinners will be held in the Statler, Mayflower, Wardman Park, Hamilton, Shoreham, Carlton, Raleigh and Willard Hotels and the Metropolitan Club. While most of the dinners are scheduled to be informal, without speeches, some will include prepared addresses.

One of the largest of these dinners will be the Michigan State Chamber's dinner at the Statler. Republican Senator Ferguson will speak before a group estimated at 300 persons who arrived in Washington this morning on a special train. Gov. Kim Sigler is to arrive later today by plane. Among the distinguished natives of Michigan scheduled to attend are Senator Vandenberg, who will not speak, and his nephew, Gen. Hoyt Vandenberg, the newly appointed Chief of Staff of the Air Forces; Federal Housing Administrator Raymond Foley, and Rear Admiral Frank Brastford.

Ex-Polish Attache Here

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WARSAW, April 26.—The government said today that Wlodzimierz Marszewski, once attache of the Polish Embassy in Washington, has been executed for treason and espionage.

He was convicted last December of supplying state and military secrets to Arthur Bliss Lane and Victor Cavendish Bentinck, former American and British Ambassadors here.

Former Col. Wladyslaw Lipinski's death sentence was commuted to life imprisonment. He was sentenced to death after lecturing his judges on the lack of freedom in Poland. The life sentence of three other defendants was confirmed. So was the 12-year sentence of Mrs. Maria Marynowska, once translator at the British Embassy.

Doomed to Die for Treason

(Continued From First Page.)

The United States had about 1,400 schools of nursing not affiliated with colleges and universities in 1940.

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Supreme Court, 5 to 4, Opposed to Reversing Decisions 'Readily'

By the Associated Press

A 5-4 majority said today the Supreme Court should "not readily" reverse its decisions on congressional law because Congress can make any changes necessary.

But the minority contended this opinion "saddles Congress with the load of correcting its (the court's) own emasculation of a statute by drawing from Congress' failure explicitly to overrule the unjustified inference that Congress approved the mistake."

Justices Jackson and Rutledge were spokesmen of the majority and minority, respectively. Justices Black, Douglas and Murphy joined Justice Rutledge.

Railway Case at Issue. At issue was a Government contention that the South Buffalo Railway Co. violated a 1906 law forbidding a railroad to transport commodities in which it has a direct or indirect interest. The Government said South Buffalo's operations were improper because both the steel company and the railroad are controlled by Bethlehem Steel Corp.

But the majority ruled against the Government by refusing to overrule a 1935 decision which held that mere ownership by a single person of all the stock of both a railroad and a shipper was not sufficient to invoke the ban.

The Justice Department had asked that the 1935 opinion be overturned because "it ignores realities." Today's dissenters agreed with the Government.

Up to Congress, Jackson Says. In its appeal, the Government contended the railway "has been so continuously dominated that it has operated as a mere department, agency or instrumentality" of the company or the corporation, or both.

Justice Jackson said the court majority felt that any modification of the 1935 decision should be done by Congress. He added: "When questions are of statutory construction, not of constitutional import, Congress can rectify our (1935) mistake, if such it was, or so change its policy at any time, and in these circumstances reversal is not readily to be made. Moreover, Congress has considered the alleged mistake and decided not to change it."

Other Decisions. Among other actions today, the court:

Upheld, 6-1, charges by the Federal Trade Commission that numerous cement producers maintained a combination to fix prices in violation of the FTC and Clayton Anti-Trust Acts.

Refused to rule on an Illinois claim that Wisconsin and its State University owe \$714,097 in inheritance taxes. The Illinois claim was based on a \$2,471,750 gift to Wisconsin University by the late Kemper K. Knapp, Chicago.

Unanimously upheld the power of the United States District Court in Hawaii to order a hanging, but granted a new trial to the convicted murderer.

Argument Routine to End Friday. Announced that its routine argument sessions will end next Friday, unless special circumstances require that it hear one or two extra cases. (One such case might be the appeal of John L. Lewis and the United Mine Workers from fine of \$142,000 for contempt of court in the coal strike.)

Declared that it will announce opinions in a long list of pending cases in sessions on Monday, May 3 and Monday, May 10. Further opinion-reading sessions will be held on subsequent Mondays until the court disposes of all pending cases.

George Alunni to Dine

The annual dinner meeting of the George School Alumni Club of Washington will be held at 6:30 p.m. Friday at the Sidwell Friends School, 3901 Wisconsin avenue N.W., with George A. Walker, headmaster, as the featured speaker. Mr. Walker will retire this year after 40 years with the school.



This map locates the Arab city of Jaffa (1), on which Irqun Zafra Leumi, Jewish underground army, started an all-out assault yesterday from Tel Aviv. British and Jews left Lydda Airfield (2) and Arabs took possession. In Jerusalem (3) Jewish sources said Hagana captured Sheikh Jarrah Quarter.

—AP Wirephotos.

Palestine

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render ultimatum, but there was no word of an Arab reply. Little steamboats and sailboats by the scores were seen sailing from Jaffa southward toward Arab country around Gaza.

Jerusalem dispatches said the army reported Jewish forces threw heavy mortar fire into Acres during the night but were driven off by British artillery.

Most of about 200 prisoners in the Acres prison escaped in the course of the attack. Acres' population is swollen by Arab refugees from Haifa, captured by Hagana last week.

Air passenger and mail service for Palestine's Jews was cut when the Arabs took over Lydda airport 10 miles southeast of Jaffa, following British withdrawal at dawn yesterday.

Midway between Tel Aviv and the port of Haifa to the north, the British withdrew from a little military airfield at Ein Shemer and Hagana occupied the field.

Halfa itself, with a mixed population of 130,000, fell under control of Hagana Thursday after a two-day attack in which Irqun helped. The Arab inhabitants began moving out.

Irqun, commanded by the Polish Jew Menachem Beigin, said in a communique it began the Jaffa attack at 6:45 a. m. "To stop incessant attacks on Tel Aviv from there."

Unfamiliarly, Hagana launched the attack. A heavy mortar barrage preceded the Jaffa attack.

After the Arabs took Lydda some foreign airlines said they were skipping that stop until the situation cleared up. Only the Arab Airline apparently was to operate through the airport. TWA hasn't hit Lydda in more than a month.

The unofficial count of the slain in Palestine is up to 3,357 since the United Nations partition vote of last November 29.

Hagana attacked Jerusalem's easternmost Sheikh Jarrah suburb to gain the road to Jewish Hadassah hospital and the Hebrew university. One Jew was killed, Arab casualties were not known.

British Highland infantrymen negotiated the Jews' withdrawal and then occupied the quarter, evidently to safeguard a withdrawal route for British troops, due out of Palestine by August 1.

A train was derailed by sabotage near Ramle and three British soldiers were killed.

In Haifa, the British-occupied port area was cleared of Arab refugees, taken north to Acres in boats and British army trucks. British sources estimated 40,000 more would leave this week.

The first meeting of a United Nations Truce Commission was held in Jerusalem, but what it did was not announced. The commission, set up by the Security Council Friday night, consists of three consultants: French, Rene Neuville, and Belgian, Jean Rene Neuville. It is to try to carry out a cease-fire the Council has urged on Arabs and Jews.

Marshall Will Participate In Ceremony for McNair

Secretary of State Marshall will be honorary chairman at ceremonies today commemorating the 65th anniversary of the birth of the late Lt. Gen. Leslie J. McNair.

This was announced yesterday by Henry Milans, commander of the Leslie and Douglas McNair Post of the American Legion.

The ceremonies will be held at Fort McNair, formerly the Army War College. They are sponsored by the McNair Post, named after the late General and his son, the late Col. Douglas C. McNair.

Gen. McNair, at one time commander of the Army Ground Forces, was killed in Normandy in 1944 by American bombs which fell short of their target. Col. McNair was killed about a month later in Guam.

Mr. Milans said James O'Neill, national commander of the American Legion, will take part in the ceremonies and the Legion's Guard of Honor will attend.

O'Boyle Calls for Good Will To Solve World Problems

A plea for "understanding and good will" was voiced yesterday by the Most Rev. Patrick A. O'Boyle, Archbishop of Washington, at a reception given in his honor by the Catholic Interracial Council at the Cathedral Club, 1814 N. Street N.W.

Many difficulties facing the world would be solved by the "courageous applications of understanding, education and good will," Archbishop O'Boyle declared.

G. Howland Shaw, president of the council, and former Assistant Secretary of State, said the aim of the organization was to practice Catholic doctrine in the interracial field, and in so doing to spread among Catholics and non-Catholics a more accurate knowledge and a clearer understanding of that particular aspect of the teaching of the church.

The council, formed about four years ago with only 12 persons, now has more than 300 members. It sponsors an interracial service once a month in a Catholic church here.

Margarine

(Continued From First Page.)

crat, of Ohio, and Mr. Rivers, who is handling the debate for the margarine backers.

Use by Services Favored. After the House action was taken, an armed services subcommittee voted unanimously for a bill to permit the use of oleomargarine by the Army, Navy and Air Force. All three services are now prohibited from serving the spread.

The subcommittee voted to give its chairman, Representative Antonio, of California, authority to report to the full committee later this week a bill to accomplish this purpose.

The bill will repeal the prohibition contained in Army appropriation acts for many years against serving margarine to soldiers and airmen, and it also will amend the Navy ration law. The present law provides sailors shall receive one and six-tenths ounces of butter and six-tenths ounces of margarine which will be altered to include the words "or oleomargarine."

Martin Sees Repeal Victory. Speaker Martin told reporters he believes the tax repeal advocates will win in the final House action on the bill. He predicted the measure will get a lot of support from members who did not sign the discharge petition.

The bill's sponsor, Representative Rivers, predicted victory over "this tribute to the butter trust." He will have the backing of most of the Democrats and of a large group of Republicans, mostly from city districts where the high price of butter has stirred up resentment against the margarine taxes.

The Rivers bill would wipe out the present taxes on oleo margarine; also would end the license fees; \$600 for manufacturers, \$480 for wholesalers of colored and \$200 for wholesalers of the uncolored margarine, \$45 for retailers of colored and \$6 for retailers of uncolored margarine.

Publicly controlled United States Federal schools for Indians spent \$10,000,000 in 1940.

Kaiser-Fraser Heads Called Business Great, Eaton Tells Hearing

By the Associated Press

Cyrus Eaton, Cleveland financier, testified today that Kaiser-Fraser officials told him that the company's business was going great guns "beyond their fondest dreams" during talks about a proposed stock offering.

Mr. Eaton of the Cleveland banking firm of Otis & Co., was a witness before the Securities and Exchange Commission. The commission is investigating the collapse of a \$10,000,000 Kaiser-Fraser stock offering.

On February 9, Otis & Co. and the First California Co. of San Francisco withdrew suddenly from a contract to sell 900,000 shares of the motor company's stock at \$10 a share.

Mr. Eaton said that on January 30 there was a meeting of the bankers and Kaiser-Fraser officials, including Henry J. Kaiser, chairman of the company and Joseph Fraser, president.

The witness said, "they said the company's business was going great guns, and that great prosperity was ahead . . . that it would go beyond their fondest dreams."

"They said earnings for the fourth quarter of 1947 were over \$15,000,000 and that they made \$3,000,000 in